REMARKS

Reconsideration of the present application is respectfully requested.

Remaining in the application are allowed claims 1-13, 20 and 21, plus new independent claim 25 which is directed to a diverter blade having a shock absorbing mechanism connected between a mounting portion and a pusher portion of the blade. The shock absorbing mechanism includes an elastic member (such as a coil spring 88 shown in Fig. 9) and a motion damper. The motion damper includes a cylinder in which a piston is disclosed. It is clear from paragraph 0049 of the original description and from original Figs. 8 and 9 that a conventional type of motion damper is contemplated, i.e., one wherein the cylinder has a self-contained supply of flowable medium.

Original claim 22, which was directed to a diverter blade with a shock absorbing mechanism, was rejected over *Kurczak* which discloses a diverter mechanism comprising a deflector plate 52 and an auxiliary arm 54 pivotably connected thereto. The arm 54 is swung relative to the deflector plate 52 by a double-acting fluid piston-cylinder device 60, 69 that is supplied by pressurized fluid from a source 120 of hydraulic or pneumatic fluid in order to pivot the auxiliary arm relative to the deflector plate.

In the Official Action, it was noted that the piston-cylinder device 60, 69 could function as a shock absorber due to the compressibility of fluid that controls the piston-cylinder device 60, 69. Even assuming that to be the case (if pneumatic fluid is used as the power source), significant differences remain between claim 25 and *Kurczak*. For instance, claim 25 recites that the pusher portion defines the "sole" pusher surface of the diverter blade. In contrast, the corresponding portion 54 of

Kurczak defines only an auxiliary pusher surface, the main part of the pusher surface being defined by portion 52 which is analogous to the mounting portion of claim 25.

Moreover, claim 25 recites that the cylinder of the motion damper has a self-contained supply of flowable medium. In other words, the motion damper is operable solely to dampen motion of the pusher portion -- not to positively pivot the pusher portion between its extended and retracted positions as is the case in *Kurczak*.

Furthermore, it would not have been obvious to convert the piston-cylinder device 60, 69 of *Kurczak* to a device which performs solely as a motion damper. In that regard, *Kurczak* never discloses that the cylinder-piston device 60, 69 functions as a motion damper. It is certainly clear that *Kurczak's* device 60, 69 was not intended to function solely as a motion damper, because hydraulic fluid, which is uncompressible and; thus incapable of damping any motion, is disclosed by *Kurczak* as a possible type of fluid. In fact, the use of hydraulic fluid is mentioned throughout the *Kurczak* disclosure; only at column 2, line 71 is pneumatic fluid mentioned as a possible fluid type. It is clear that the cylinder-piston device 60, 69 is employed in *Kurczak* to positively move the auxiliary arm 54 in both directions (see column 4, lines 40-54). Thus, it will be appreciated that to employ a device that functions solely as a motion damper in *Kurczak* would prevent the auxiliary arm 54 from performing its intended functions and would not have been obvious.

In light of the foregoing, it is submitted that claim 25 distinguishes patentably over *Kurczak*, and that the application is in condition for allowance.

Respectfully submitted,

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